

# **STAFFING MANAGEMENT GUIDELINES**

<b>ALBUQUERQUE FIRE DEPARTMENT</b>	<b>Staffing Management Guidelines</b>
<b>Standard Operating Guidelines</b>	4/8/03
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## **PURPOSE**

**The staffing management guidelines have been developed to assist the Field Operations Center (FOC)/Division Commanders with staffing Divisions/Sections within the Department. The following guidelines define the detailed procedures on the requesting, granting, or denying of leave, time off, and filling vacancies.**

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## Staffing Management Guidelines

### 1 FUNDED FIELD STAFFING

#### SUPPRESSION

Company	Minimum Staffing	Full Staffing
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##### Battalion 1

B-1	1	1
E-1	4	4
L-1	3	4
E-2	4	4
E-4	4	4
L-4	3	4
SQ-1	2	2
E-6	4	4
E-10	4	4
E-29	4	4

##### Battalion 2

B-2	1	1
E-3	4	4
L-3	3	4
E-11	4	4
E-13	4	4
L-13	3	4
SQ-3	2	2
E-19	4	4
E-15	4	4
L-15	3	4

##### Battalion 3

B-3	1	1
E-8	4	4
E-9	4	4
E-12	4	4
E-16	4	4
E-5	4	4

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#### **Battalion 4**

B-4	1	1
E-17	5	5
E-7	4	4
E-14	4	4
E-18	4	4
E-27	4	4
<b>Total</b>	<b>108</b>	<b>113</b>

#### **RESCUE**

<b>Company</b>	<b>Minimum Staffing</b>	<b>Full Staffing</b>
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#### **Battalion 1**

R-1	2	2
R-4	2	2
R-6	2	2
R-29	2	2

#### **Battalion 2**

R-3	2	2
R-11	2	2
R-13	2	2
R-15	2	2

#### **Battalion 3**

R-9	2	2
R-12	2	2
R-16	2	2
R-5	2	2

#### **Battalion 4**

R-7	2	2
R-14	2	2
R-18	2	2
R-27	2	2
QI	1	1
<b>Total</b>	<b>33</b>	<b>33</b>

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### **City Minimum (Suppression and Rescue)**

Battalion 1	41
Battalion 2	41
Battalion 3	29
Battalion 4	30
Alarm Room	4 (NOT INCLUDED IN TOTAL)
<b>Total</b>	<b>141</b>

## **2 VACANCY FILL IN PROCEDURES**

### **2.1 FIELD PERSONNEL (Alarm Room, Suppression, and Rescue):**

The daily roster will be set twenty-four (24) hours in advance and adjusted as needed by FOC personnel. The daily rosters will be completed for the next cycle prior to FOC personnel going off shift. Positions will be upgraded at this time until minimum staffing is reached. Once staffing goes below minimum, positions that were upgraded will remain upgraded and overtime will be worked at the last created vacancy. Personnel not wanting to upgrade will be required to submit/renew their letter indicating their intent not to act in February of every year. Employees stating their intention not to act must realize that this makes them ineligible to test for the next promotion for a period of one (1) year. All letters must be submitted to the Deputy Chief of Operations as well as the FOC. Letters stating employee's intention not to act cannot be rescinded during the year or after a test is announced. Letters can only be placed or rescinded in February of each year.

Prolonged vacancies (three cycles or more): Due to temporary transfers, unfilled vacancies will be filled with promoted floaters first, then promotional list Fire Fighters (the assignments will be offered in list placement order to the Fire Fighters) and then, station upgrades. These upgrades will be done prior to overtime being worked. The above guideline will apply to both the suppression and rescue divisions.

### **2.2 SUPPRESSION DIVISION:**

If suppression staffing is above minimum (108 total; [4 person Engines, 3 person Ladders, 2 person Squads, and 4 Commanders]), the vacancy "fill in" progression will be as follows:

#### **2.2.1 Battalion Commander:**

A minimum of two (2) promoted Battalion Commanders and/or promotional list members must be on duty.

**Step 1:** Captains on the promotional list will be used in list placement order. If the vacancy remains;

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- Step 2:** Agency Temporary Upgrade Fire (TUF) Battalion Commander and Quality Improvement Officer (QIO) will not default to “In Station TUF” after promotional list. This will ensure fairness for all qualified Captains. Filling prolonged vacancies with upgrades will require calling upgrade according to the employees total hours spent in upgrade.
- Step 3:** If due to unforeseen circumstances the minimum still can’t be met, off duty Commanders who are signed up to work will be called and offered overtime.
- Step 4:** If the minimum still cannot be met - of the four (4) Fire Fighters on duty and filling the Commander position, the person where the vacancy exists will be held over.

### **2.2.2 Captain:**

- Step 1:** Lieutenants on the promotional list will be used in list placement order. Paramedic Lieutenants on the promotional list will move to the actual vacancy unit and the vacancy will be filled on the Rescue unless Rescue staffing cannot be met. If the Fire Fighter must remain on the Rescue they will be paid upgrade to Captain and a Driver will be upgraded to Lieutenant. List placement will take precedence over “in station” upgrades for Fire Fighters that placed lower on the promotional list. “Vacancy fill in” recommendations will be made using pre-established rule sets. The list utilized for hire in this case is titled TUF.
- Step 2:** After all promotional list Lieutenants have been utilized then Lieutenants eligible to upgrade to Captain at the station where the vacancy exists will be recommended. A Lieutenant will temporarily upgrade for forty-eight (48) consecutive hours prior to the next Lieutenant being recommended. Filling prolonged vacancies with upgrades will require calling upgrade according to the employees total hours spent in upgrade.

**Note:** Eligible Lieutenants may be required to upgrade to fill a vacancy not at their station.

### **2.2.3 Lieutenant:**

- Step 1:** Promoted floaters will be utilized.
- Step 2:** Drivers on promotional lists will be used in list placement order. “List placement” will take precedence over “in station” upgrades for Fire Fighters that placed lower on the promotional list. “Vacancy fill in” recommendations will be made using pre-established rule sets.



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**Step 3:** After all “promotional list” Drivers have been utilized, then Drivers eligible to upgrade to Lieutenant at the Station with the vacancy will be recommended (TUF). A Driver will upgrade for forty-eight (48) consecutive hours prior to the next Driver in the station being recommended. Filling prolonged vacancies with upgrades will require calling upgrade according to the employees total hours spent in upgrade.

**Note:** Eligible Drivers may be required to upgrade to fill a vacancy not at their station.

#### **2.2.4 Driver:**

**Step 1:** Fire Fighters on promotional lists will be used in list placement order. List placement will take precedence over “in station” upgrades for Fire Fighters that placed lower on the promotional list. “Vacancy fill” recommendations will be made using pre-established rule sets. The Paramedic Fire Fighters will be utilized in the Rescue Division first.

**Step 2:** Fire Fighters eligible to upgrade (TUF) to Driver at the Station with the vacancy will be recommended. A Fire Fighter will upgrade for forty-eight (48) consecutive hours prior to the next Fire Fighter being recommended. Filling prolonged vacancies with upgrades will require calling upgrade according to the employees total hours spent in upgrade.

**Step 3:** Floaters that can be upgraded will be utilized.

**Note:** Eligible Fire Fighters may be required to upgrade to fill a vacancy not at their station if there are no “floaters” that can upgrade.

#### **2.2.5 Fire Fighter:**

**Step 1:** “Floaters” will fill vacancies at the Fire Fighter rank and Driver rank for upgrade if there are no qualified Fire Fighters in the station where a vacancy exists. A floater has priority in their hub station.

### **3 OVERTIME CHARGEABLE HOURS (ALL DIVISIONS)**

Any member that is paid at an overtime rate will be charged the hours in their overtime totals. This includes “holdover.”

Fire Fighters that sign up for overtime and subsequently refuse the overtime offer may be required to speak with the FOC Commander stating the reason why the Fire Fighter did not update their sign up status. Deadline for signing up or removing a sign up code is twenty-four (24) hours before the affected shift.

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***Final Roster Fill-in Overtime***  
***0600 for the twenty-four (24) hour shift or***  
***1400 if it is for the second half of the twenty-four (24) hour shift***

All Fire Fighters will retain their respective overtime hours through promotion. Overtime hours will be zeroed out on January 1st of each year. The only time adjustment of overtime hours may be necessary is when a Fire Fighter moves from a support division into the field. All rejected overtime offers made to signed up personnel greater than a four (4) hour partial will be charged to their respective overtime bank. Rejected partial overtime less than the four (4) hours will not be charged against employees overtime bank. The employee that rejects a partial overtime may be considered for overtime that develops later in the shift.

### **3.1 SUPPRESSION OVERTIME:**

Once available staffing goes below minimum (108 total; [4 person Engines, 3 person Ladders, 2 person Squads, and 4 Commanders]): upgrading will cease. Overtime will now be offered to members on signup lists. Overtime will be called twenty-four (24) hours prior to the start of the shift to fill vacancies that are present at this time, however, the FOC may call overtime throughout the shift in order to adjust to the changes in staffing, (i.e. unscheduled vacation or sick leave). Deadline for the sign-up of “advanced notice” overtime is 0800; twenty-four (24) hours prior to the start of the shift or for Fire Fighters that cannot commit that early may still sign-up later and be considered for the overtime caused by sick leave or other last minute vacancies. Deadline for Final Roster Fill-in Overtime is 0600 for the twenty-four (24) hour shift or 1400 if it is for the second half of the twenty-four (24) hour shift.

- Step 1:** Call twenty-four (24) hour sign ups.
- Step 2:** If there are no more twenty-four (24) hour sign ups; the vacancy will be split into a ten (10)-hour shift and a fourteen (14) hour shift. The new overtime lists will be pulled with the new time frames. This will look at “in rank” Fire Fighters that were not able to sign-up for the entire twenty-four (24) hour shift.
- Step 3:** An on duty Fire Fighter will be upgraded (in station, floater, agency TUF) and the overtime will be worked at the new vacancy.
- Step 4** If after all attempts no replacement is found the Fire Fighter with the least amount of seniority on the unit where the vacancy exists will be held over on overtime (these hours will be chargeable to their overtime hours count). No unit will be put out of service due to inadequate overtime backfill. Holdovers will usually be at the rank of Fire Fighter (due to upgrading).

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### **3.2 RESCUE DIVISION TEMPORARY UPGRADE FIRE (TUF):**

If rescue staffing is above thirty-three (33) (2 person Rescues and 1 QIO):

All on duty qualified Fire Fighters are to be utilized in the Rescue Division prior to being considered as Suppression staffing, regardless of rank.

#### **3.2.1 Rescue Vacancies:**

**Step 1:** Promoted floaters utilized.

**Step 2:** Promotional list Fire Fighters.

**Step 3:** Qualified Drivers will be upgraded to fill the Rescue Lieutenant vacancies if above minimum staffing.

#### **3.2.2 Quality Improvement Officer:**

If qualified on duty Paramedics are thirty-three (33) or above:

**Step 1:** Qualified Captain promotional list members.

**Step 2:** Agency TUF. Filling prolonged vacancies with upgrades will require calling upgrade according to the employees total hours spent in upgrade.

### **3.3 PARAMEDIC OVERTIME:**

Deadline sign-up times if below minimum staffing.

*Advanced Notice Overtime*

*Twenty-four (24) hours the day before the affected shift*

*Final Roster Fill-in Overtime*

*0600 for the twenty-four (24) hour shift or*

*1400 if it is for the second half of the twenty-four (24) hour shift*

### **3.4 RESCUE DRIVER OVERTIME**

**Step 1:** In rank sign ups will be utilized.

**Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” drivers that were not able to sign-up for the entire twenty-four [24] hour shift).

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- Step 3:** If in rank sign ups run out, overtime will be offered to Paramedic Fire Fighters that have signed up for overtime (upgrade ET). **This is the only exception to upgrading “on duty” and working overtime at the lower rank.**
- Step 4:** If vacancies still remain; the overtime will be offered to any qualified sign ups remaining regardless of rank. At times this may necessitate three (3) Fire Fighters working on the Rescue (Fire Fighters that do not act, probationary Fire Fighters etc.).
- Step 5:** If vacancies still remain; a “qualified” list will be pulled up and all Fire Fighters on the list will be called regardless of rank or sign up status. In the unlikely event the vacancy still exists;
- Step 6:** The Fire Fighter that does not have a relief will be held over.

### **3.5 PARAMEDIC LIEUTENANT OVERTIME**

- Step 1:** In rank sign ups will be utilized.
- Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” Fire Fighters that were not able to sign-up for the entire twenty-four [24] hour shift).
- Step 3:** If the vacancy still remains; check to see if there are signed up Paramedic Drivers that were not utilized. If there are, then upgrade (*using upgrade guidelines*) and work a Paramedic Driver overtime.
- Step 4:** If the vacancy still exists; qualified signed up Captains can be used.
- Step 5:** If vacancies still remain; a “qualified” list will be pulled up and all Fire Fighters on the list will be called regardless of rank or sign up status.
- Step 6:** If the vacancy still exists; the Fire Fighter that does not have a relief will be held over.

### **3.6 QUALITY IMPROVEMENT OFFICER OVERTIME**

- Step 1:** In rank sign ups will be utilized.
- Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” Fire Fighters that were not able to sign-up for the entire twenty-four [24] hour shift).

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- Step 3:** If the vacancy still remains; check to see if there are signed up Paramedic Lieutenants that were not utilized. If there are, then upgrade (using upgrade guidelines) and work Paramedic Lieutenant overtime.

### **3.7 ALARM ROOM OVERTIME**

Alarm Room minimum staffing is four (4) at all times except Friday and Saturday nights (1800-0800), Second or greater alarms, and other designated times as approved by the Fire Chief, at which time the minimum is five (5). *Before going to overtime upgrade all possible vacancies. Deadline for signups is:*

***Advanced Notice Overtime***

***Twenty-four (24) hours the day before the affected shift***

***Final Roster Fill-in Overtime***

***0600 for ten (10) hour shift or***

***1400 if it is for the fourteen (14) hour shift***

- Step 1:** Call all qualified (rank is not considered) Fire Fighters assigned to the Alarm Room that has signed up. If the vacancy remains;
- Step 2:** Call qualified Fire Fighters that are assigned to the Alarm Room using the “qualified list” irrespective of sign up status and offer the overtime. If the vacancy remains;
- Step 3:** An on duty Fire Fighter will be held over.

## **4 FEDERAL LABOR STANDARDS (FLSA)**

Timesheets (printout) will be generated from Tele Staff as follows:

- Step 1:** Personnel access the FLSA report from their calendars. A red vertical line indicates the FLSA period. Personnel right click on the line.
- Step 2:** The FLSA reporting period comes up. Ensure that this is the desired reporting period.
- Step 3:** On the top left hand side of the report find a tab named “Exceptions”, click on this and an Exception report will come up. This is the report that will be printed and signed by the member and the Battalion Commander.
- Step 4:** For every leave time exception a P-30 will be filled out and attached to the FLSA report. The member and the Battalion Commander will sign the P-30.

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*The Battalion Commanders are responsible for ensuring that a report is submitted for all Fire Fighters under their command. The signed FLSA reports and P-30's are due in the Fiscal Office at Fire Department Headquarters six (6) days after the end of the FLSA period. Failure to turn in an FLSA report and or P-30's may be cause for disciplinary action.*

## **5 FLEX/COMP TIME PROCEDURE**

Each flex or comp time register will reflect all time that is accrued or used, and will have the proper authorization signatures for **all** entries prior to being utilized. Each Battalion or Division Commander shall insure that all flex/comp time registers are correctly filled out prior to being submitted.

Flex/comp time balances that **have** already been entered into Telestaff may be utilized by simply contacting the FOC and advising them that you would like to use your available comp time hours in place of scheduled leave or unscheduled leave providing staffing levels permit. Flex/comp time leave **does** count against the sixteen (16) allotted vacation slots. Flex/comp time **cannot** be utilized in place of sick leave. Flex/comp time must be approved prior to being accrued.

## **6 SICK LEAVE UTILIZATION GUIDELINES**

Sick leave is authorized for personal illness or injury to include doctor's appointments, sickness in family or legal quarantine.

### **6.1 SICK LEAVE**

Fire Fighters/employees working a forty (40) hour week shall accumulate sick leave at the rate of eight (8) hours per month; 3.69 biweekly; (96 hours annually). Fire Fighters working a forty-two (42)-hour week shall accumulate sick leave at the rate of 3.88 biweekly; (100.8 hours annually); and Fire Fighters/employees working a fifty-six (56) -hour week shall accumulate sick leave at the rate of 5.54 biweekly (144 hours annually).

Provided the Fire Fighter/employee has an accrued sick leave balance, sick leave may be granted for absence from duty because of personal illness, illness of a spouse, domestic partner, son, daughter, or parent as these terms are defined in the Personnel Rules and Regulations, Section 401.11, L.

Hours worked in addition to the regularly scheduled workweek will not entitle the employee to additional sick leave benefits. Sick leave will not be granted before it is accumulated.

### **6.2 REPORTING OFF SICK PERSONAL ILLNESS (SKP):**

Sick leave may be taken in ten (10) hour and/or fourteen (14) hour segments by personnel in the field. Personnel that wish to report off on sick leave must do so as soon as practical. The automated staffing service telephone numbers: 352-3382; 352-3383; 352-3384; 352-3385; 352-3386; 352-3387; and 352-3388.

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**Step 1:** The non-working code must be entered in TeleStaff by 0600 hours by the Fire Fighter via station computer or phone.

**Note 1:** Personnel unable to enter the non-working code into the automated staffing system for any reason will notify the FOC to trouble shoot the problem.

**Note 2:** If the Fire Fighter is on shift the FOC will fill the vacancy immediately *if below minimum staffing*. The Fire Fighter will be required to remain off for the remainder of the shift unless an exception is granted by the Fire Chief or designee.

**Note 3:** Fire Fighters may or may not automatically appear on the roster for the next working shift depending on sick leave usage/restriction.

**Note 4:** The Fire Chief or designee prior to the implementation will advise Fire Fighters placed on any type of restriction.

The FOC may enter the non-working code if staffing authority override is necessary (i.e.; too close to start of shift, Fire Fighter is on some type of sick leave restriction etc.). The Fire Fighter will automatically appear on the roster for any segment of time not specified by the employee when reporting off.

### **6.3 DOCTOR'S APPOINTMENTS:**

**Step 1:** Fire Fighters that have scheduled appointments during working hours must notify the FOC at least twenty-four (24) hours in advance.

**Step 2:** If staffing is above minimum a Fire Fighter will float to cover the short-term vacancy.

**Step 3:** If staffing is below minimum employee will be considered for available unscheduled vacation or PTO.

**Note:** At the discretion of the Fire Chief or designee, the Fire Fighter may be required to provide proper documentation. Fire Fighters requesting a different type of Sick Leave must provide proper documentation prior to the chargeable time being changed (sick leave hospitalization, sick leave injury or sick leave FMLA etc.).

### **6.4 CERTIFICATION OF SICK LEAVE:**

Fire Fighters absent from work where such absence is chargeable to sick leave will be required to complete and turn in a Request for Leave form (P-30), indicating the type of sick leave claimed and the dates of absence. Fire Fighters/employees may be required to provide the fire department with a doctor's statement certifying that the absence from work was due to illness or injury and the employee is now able to perform the essential functions of the job.

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## **6.5 BEREAVEMENT LEAVE (SKE):**

The Fire Fighter may use a maximum of two (2) twenty-four (24)-hour shifts. Emergency leave may be used in case of death in the employee's immediate family (spouse, domestic partner, mother, father children and/or stepchildren).

An additional twenty-four (24)-hour shift may be granted for every 500 miles traveled from Albuquerque one way required to attend funeral services. Additional emergency leave may be granted by the Fire Chief or designee on a case-by-case basis. Vacation leave may be used in lieu of SKE.

Fire Fighters/employees who make a false claim for sick leave, sign a certificate/statement containing a false statement, refuse to be examined by a doctor selected by the City, or fails to cooperate in any investigation by the City of their claim for sick leave shall not be entitled to any leave with pay for the time in dispute. Such actions are considered just cause for disciplinary action up to and including termination.

## **6.6 SICK LEAVE CLEARANCE:**

**Step 1:** Fire Fighters/employees returning after four (4) or more consecutive twenty-four (24)-hour shifts of sick leave must submit to the Human Resources Department a release from their personal physician.

**Step 2:** The Human Resources Department will then refer the Fire Fighter/employee to the City Clinic for a return to work clearance and certification that the Fire Fighter/employee is able to perform the essential functions of the job. However, nothing will prohibit the Fire Chief or his designee from requesting a sick leave clearance from Fire Fighters/employees returning for a period of less than four (4) consecutive shifts of sick leave.

## **6.7 SICK LEAVE MONITORING**

Fire Fighters/employees who use *excessive* sick leave in a rolling calendar year will have their sick leave monitored to review if the Fire Fighter/employee is just having a bad year or not. This may impact their eligibility for unscheduled vacation and short-term time off. Management and the Union will meet and agree on what is excessive or abusive usage.

### **6.7.1 Definitions**

- a. Spouse – husband or wife as defined or recognized under New Mexico law.
- b. Domestic Partner – an individual who lives in a long-term relationship of indefinite duration who meets all criteria established by the City and has filed an affidavit of domestic partnership with the Human Resources Department, Insurance and Benefits Division.



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- c. Son or Daughter – a biological, adopted or foster child, stepchild, a legal ward, or a child for who the employee (Fire Fighter) has intentionally assumed the obligations of the parental relationship, such as daily care and financial support without going through the formalities of adoption, who is under the age of eighteen (18), or is eighteen (18) years of age or older and is incapable of self-care because of a mental or physical disability.
- d. Parent – the biological parent of an employee (Fire Fighter) or an individual who intentionally assumed the obligations of the parental relationship, such as daily care and financial support, without going through the formalities of adoption when the employee was a child. This term does not include parents-in-law.

**Note:** Definitions a through d are defined as immediate family.

- e. FMLA Leave – Paid or unpaid leave taken for a reason provided for by the Federal Family and Medical Leave Act.
- f. Health Care Provider
  - i. Doctors of medicine or osteopathy; or
  - ii. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to subluxation correction); or
  - iii. Nurse practitioners, nurse-midwives and clinical social workers that are performing within the scope of their practice as defined by state law; or
  - iv. Christian Science practitioners; or
  - v. Any health care provider recognized by the City or its health care plans.
- g. Serious Health Condition – an illness, impairment, or physical or mental condition that involves:
  - i. In-patient care in a hospital, hospice or residential medical care facility, or subsequent treatment in connection with inpatient care; or
  - ii. Incapacity for more than three (3) consecutive days involving treatment two (2) or more times by a health care provider, by a provider of health care services (e.g., nurse, physicians assistant, physical therapist) under the direction of a health care provider, and any subsequent incapacity or treatment related to the same condition.
  - iii. Pregnancy – any period of incapacity due to pregnancy or prenatal care; or
  - iv. A chronic condition that continues over an extended period of time, and that may cause episodic rather than a continuing period of incapacity (e.g.,

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asthma, diabetes, epilepsy, etc.) requiring periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the supervision of a health care provider; or

- v. A permanent or long-term period of incapacity due to a condition for which treatment may be limited such as Alzheimer's disease, severe stroke, or the terminal stages of a disease; or
- vi. A period of absence to receive multiple treatments by a health care provider (or to recover from treatment), or by a provider of health care services, either for restorative surgery after an accident or injury, or for
- vii. A condition that would likely result in a period of incapacity of more than three (3) consecutive shifts in the absence of treatment such as chemotherapy, radiation therapy, or dialysis.
- h. Family Leave – leave taken because of the birth or placement of a child with the employee.
- i. Medical Leave – leave taken because of the employee's (Fire Fighter's) own serious health condition or to care for a spouse, domestic partner, child or parent if they have a serious health condition.
- j. Key Employee (Fire Fighter) – a salaried FMLA – eligible employee (Fire Fighter) who is among the highest paid 10% of all the employees (Fire Fighter) of the City.
- k. Twelve (12) month period – the twelve (12) months immediately preceding the beginning of each new FMLA leave.

#### **6.7.2 Excessive Sick Leave Usage Days**

The department has experienced excessive sick leave usage on certain days. As such, the following dates a Fire Fighter calls off sick will require a P-30 with the physician certification section completed by a health care provider, before they can return to work:

**January 1<sup>st</sup>**  
**Super Bowl**  
**Mother's Day**  
**July 4<sup>th</sup>**  
**Thanksgiving**  
**December 24<sup>th</sup> & 25<sup>th</sup>**

**December 31st**

In this case only:

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**Step 1:** Fire Fighter will submit the P-30, in person, to the Battalion Commander on duty at the FOC prior to being placed back on duty.

## **6.8 FAMILY AND MEDICAL LEAVE**

These rules and regulations are based on the provisions of the Federal Family and Medical Leave Act (FMLA) and will be administered consistent with the law, federal regulations and the definitions included in this section.

Job-protected leave may be taken for up to a total of twelve (12) workweeks in any twelve (12) month period because of:

- a) The birth of a child and to care for the newborn child during the first year following birth,
- b) The placement of a child with the employee for adoption or foster care during the first year following placement,
- c) The employee's need to care for a child, spouse, domestic partner or parent with a serious health condition, or
- d) The employee's inability to work because of a serious health condition.

The City may require documentation of any family relationship on which leave request is based.

### **6.8.1 Eligibility**

To be eligible for FMLA leave, an employee must have worked for the City twelve (12) months (or fifty-two [52] weeks if the work is intermittent) and must have worked 1,250 hours in the twelve (12) months preceding the date the FMLA leave will begin. FLSA-exempt employees who have worked for twelve (12) months are presumed to meet the hourly requirement. Paid and unpaid absences used in the twelve (12) months preceding the date the FMLA leave will begin is not counted toward the 1,250 hour total.

### **6.8.2 Types of FMLA**

#### **6.8.2.1 Birth Placement of a Child**

An employee may take leave because of the birth or placement of a child with the employee. The right to family leave expires twelve (12) months after the birth or placement of a child with the employee.

#### **6.8.2.2 Serious Health Condition of the Employee:**

An employee may take medical leave for up to twelve (12) weeks for a medically certified temporary period of incapacity, illness or injury that is a serious health condition making the employee unable to work,

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Medical leaves of absences for pregnancy, childbirth or related conditions are subject to the same eligibility, terms, and conditions as are applicable to leaves of absence for all other types of serious health conditions.

#### **6.8.2.3 Serious Health Condition of a Family Member**

An employee may take medical leave for up to twelve (12) weeks if the employee's parent, spouse, domestic partner or child has a serious health condition and the employee is needed to care for the family member. An employee is "needed to care for" a family member when either physical or psychological care is needed. It included situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance, which would be beneficial to a child, spouse, domestic partner or parent with a serious health condition that is receiving in-patient or home care. The term also included situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home.

#### **6.8.2.4 Intermittent Leave or Reduced Leave Schedule**

1. When medically necessary due to an employee's own serious health condition or to care for a serious ill child, spouse, domestic partner or parent of the employee, an employee is permitted an intermittent leave or a reduced leave schedule. Intermittent leave is leave taken in separate block of time due to a single illness or injury rather than for one continuous period of time.

When leave is taken on an intermittent or reduced leave schedule, the leave may be measured in increments of not less than one hour and may last up to several weeks. A reduced leave schedule reduces an employee's usual number of hours per workweek and/or per workday. For intermittent leave or leave on a reduced leave schedule, there must be a medical need for the leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule.

2. When FMLA leave is used for reason where intermittent leave or reduced leave schedules are not medically necessary, an employee may request such a schedule. The department director has the discretion to approve or deny the request.
3. An employee must work with the department director to establish a mutually satisfactory treatment schedule that does not unduly disrupt

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business and meets the employee's or the patient's medical needs. If an employee fails to consult with the department director the employee may be requested to reschedule treatments, subject to the approval of the health care provider.

4. When an employee is granted intermittent leave or reduced leave, the employee may be required to accept a temporary transfer to an available alternative position for which the employee is qualified and which better accommodated recurring periods of leave that does the employee's regular position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduces leave.

#### **6.8.2.5 Employee Notice of Leave**

As with any type of leave, an employee must give advance notice requesting leave and obtain approval, except in emergencies. An employee must give at least thirty (30) days written notice before leave starts. If thirty (30) days notice is not possible, notice is not possible, notice is expected as soon as practical. "As soon as practical: means at least verbal notice within two (2) business days of learning of the need for leave followed by written confirmation. If an employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the department director may deny the taking of leave until at least thirty (30) days after the date of the employee provided notice.

Request for leave must be submitted on a Request for Leave of Absence form. The department director or designee will determine if the leave qualifies for family/medical leave. It is the employee's responsibility to provide enough information, including the reason for requesting leave, so that the department director can make this determination.

#### **6.8.2.6 City Notices to the Employee**

The department director will notify the employee within two (2) workdays, if feasible, of the approval/disapproval of their FMLA request.

The department director will also within two (2) workdays, if feasible, notify the employee of the designation of the absence as FMLA even if the employee had not requested such leave. If the department director learns the absence is for an MLA qualifying purpose the director may retroactively designate the leave as FMLA leave. The department director will give notice within two (2) workdays, if feasible, of learning the reason for the leave.

The City may make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of leave, or if the employee is waiting for a second or third medical opinion.

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The City may designate leave, which has already been taken.

#### **6.8.2.7 Required Medical Certification**

An employee who requests leave for their own or an eligible family member's serious health condition must provide a medical certification from a health care provider on a form supplied by the City. Where FMLA leave is foreseeable and thirty (30) days notice has been provided, an employee must provide a medical certification before leave begins. In other cases, the medical certification must be provided within fifteen (15) days after the City requests medical certification or the employee advised their supervisor of the need for the FMLA absence. The employee is responsible for any expense connected with the medical certificate. Failure to provide the required medical certificate(s) may result in a delay or denial of family or medical leave.

The City has the right to require, at its own expense, a second medical opinion and to select the health care provider. If the second opinion and the original certificate conflict, the City has the right to require a third opinion by a health care provider on whom the City and the employee agree. The third opinion is final and binding.

If the City designates paid or unpaid leave as FMLA leave, without the employee's request for FMLA leave, the employee may dispute this designation by supplying a medical certificate from the health care provider.

The City may request additional medical certificates at reasonable intervals during family medical leave, but no more often than every thirty (30) days, unless the reason for or duration of the leave changes.

#### **6.8.2.8 Restrictions**

1. If both the husband and wife or domestic partner work for the City, they may take only a combined total of twelve (12) weeks in any twelve (12) month period for the birth or placement of a child, or to care for a parent (not a parent-in-law) who has a serious health condition.
2. Family leave should be taken consecutively unless other arrangements are made with the department director.

#### **6.8.2.9 Substitution of Paid Leave**

1. Employees must use accrued sick leave. After accrued sick leave is exhausted, the employee may use vacation or unpaid leave. Donated leave, hardship leave, or injury time, excluding light duty, will be charged to FMLA leave.

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2. City recognized holidays that occur during an employee's FMLA leave will be counted as FMLA leave.

#### **6.8.2.10 Rights and Responsibilities While on Leave**

During paid FMLA leave, sick and vacation leave will continue to accrue and will be prorated if appropriate. Sick and vacation leave will not accrue during any unpaid FMLA leave.

The City will continue to pay its share of insurance premiums while the employee is on paid leave; however the employee will be responsible for the full payment of insurance premiums while on unpaid leave for a full pay period or longer. The City has the right to recover premiums it paid if the employee does not return to work after the leave.

Employees on unpaid FMLA leave will not pay PERA for that period of unpaid leave not will the employee receive service credit during the unpaid leave for retirement purposes.

While on FMLA leave, an employee must contact the supervisor, by telephone, at least every four (4) weeks to report on their status and intention to return to work at the end of the leave. If the circumstances of the employee's leave changes and the employee is able to return to work earlier than anticipated, the employee must notify the supervisor at least two (2) workdays before the date the employee intends to report to work.

#### **6.8.2.11 Return to Work after FMLA**

##### **1. Position**

a. An employee, except for a key employee, returning from FMLA, has the right to return to their former position if the employee is able to perform the essential functions of the job, or they may be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

b. The City reserves the right to deny reinstatement to key employees where such denial is necessary to prevent substantial and grievous economic injury to the City's operations. The determination of whether an employee is a key employee will be made at the time the employee gives notice of the need for leave or at the time the City designates leave as FMLA leave. Key employees will be notified of the City's intention to deny reinstatement as soon as a determination is made that injury would occur. In the event a key employee decides not to return to work from unpaid leave, the employee will remain on leave for the balance of the leave period and then be terminated.

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## 2. Benefits

If an employee does not return to work after the leave entitlement has expired, the employee may be required to reimburse the City for any health insurance premiums paid by the City during the period the employee was on family or medical leave if the failure to return to work is not due to the continuation, recurrence, or onset of the serious health condition entitling the employee to leave or other circumstances beyond the employee's control. An employee shall provide certification from the health care provider supporting a claim of inability to return to work for health reasons.

## 3. Release

Employees returning to work from a serious health condition must submit to the Human Resources Department a release from their personal physician. The Human Resources Department will refer the employee to the City Health Clinic for a return to work clearance and certification that the employee is able to perform the essential functions of the job with or without accommodations. If an employee requires an accommodation under ADA a request must be submitted in accordance with Section 308.

## 2. Prohibitions and Enforcement

### 1. FMLA makes it unlawful for an employer to:

a. Interfere with, restrain, or deny the exercise of any right provided under FMLA; and

b. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

2. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

3. The US Department of Labor is authorized to investigate and resolve complaints of violations of FMLA.

4. An eligible employee may bring a civil action against an employer for violation.

## 3. Record Keeping Requirements

1. Departments are responsible for providing written notice to the employee who is absent from work for a serious health condition (to



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handle Workers Compensation claims) that their time away from work counts toward their FMLA entitlement.

2. Departments must keep records of the dates and duration of leave taken under FMLA entitlement. FMLA records, which contain medical information, such as FMLA certification, Request for Leave forms, and written communications, must be maintained separately from other personnel and payroll records.

#### 4. Definitions

a. Spouse – husband or wife as defined or recognized under New Mexico law.

b. Domestic Partner – an individual who lives in a long-term relationship of indefinite duration who meets all criteria established by the City and has filed an affidavit of domestic partnership with the Human Resources Department, Insurance and Benefits Division.

c. Son or Daughter – a biological, adopted or foster child, stepchild, a legal ward, or a child for whom the employee has intentionally assumed the obligations of the parental relationship, such as daily care and financial support without going through the formalities of adoption, who is under the age of eighteen (18), or who is eighteen (18) years of age or older and is incapable of self-care because of a mental or physical disability.

d. Parent – the biological parent of an employee or an individual who intentionally assumed the obligations of the parental relationship, such as daily care and financial support, without going through the formalities of adoption when the employee was a child. This term does not include parents-in-law.

e. FMLA Leave – Paid or unpaid leave taken for a reason provided for by the federal Family and Medical Leave Act.

#### 5. Health Care Provider

a. Doctors of medicine or osteopathy; or

b. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to subluxation correction); or

c. Nurse practitioners, nurse-midwives and clinical social workers that are performing within the scope of their practice as defined by state law; or

d. Christian Science practitioners; or

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e. Any health care provider recognized by the City or its health care plans.

6. Serious Health Condition – an illness, impairment, or physical or mental condition that involves:

a. In-patient care in a hospital, hospice or residential medical care facility, or subsequent treatment in connection with inpatient care; or

b. Incapacity for more than three (3) consecutive days, involving treatment two (2) or more times by a health care provider, by a provider of health care services (e.g., nurse, physicians assistant, physical therapist) under the direction of a health care provider, and any subsequent incapacity or treatment related to the same condition; or

c. Incapacity for more than three (3) consecutive days, involving treatment at least once by a health care provider which results in a regimen of continuing treatment under supervision of a health care provider; or

d. Pregnancy – any period of incapacity due to pregnancy or prenatal care; or

e. A chronic condition that continues over an extended period of time, and that may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.), requiring periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the supervision of a health care provider; or

f. A permanent or long-term period of incapacity due to a condition for which treatment may be limited such as Alzheimer's disease, severe stroke, or the terminal stages of a disease; or

g. A period of absence to receive multiple treatments by a health care provider (or to recover from treatment), or by a provider of health care services, either for restorative surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of treatment such as chemotherapy, radiation therapy, or dialysis.

7. Family Leave – leave taken because of the birth or placement of a child with the employee.

8. Medical Leave – leave taken because of the employee's own serious health condition or to care for a spouse, domestic partner, child or parent if they have a serious health condition.

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9. Key Employee – a salaried FMLA-eligible employee who is among the highest paid 10% of all the employees of the City.

10. Twelve (12) month period – the twelve (12) months immediately preceding the beginning of each new FMLA leave.

## **6.9 SICK LEAVE MANAGEMENT PLAN**

Anyone may have an occasional “increased usage year” as far as sick leave absence is concerned however; it is not acceptable for an employee to have continuous increased usage years unless there is a documented medical condition of sufficient severity to explain the absence pattern.

The acceptable level of sick leave usage for the Albuquerque Fire Department is 50 % of your yearly accrual and is based on unexcused sick leave occurrences on a rolling calendar year basis. Improper use and/or over utilization of sick leave is just cause for disciplinary action. Local #244 may meet with the respective Deputy Chiefs or Division Commanders to resolve possible exemption conflicts.

Absences involving Sick Leave Emergency (SKE), Sick Leave FMLA (SKFM), Sick Leave Injury (SKI), Sick Leave Hospitalization (SKH) will continue to be charged to sick leave but will be excused from the acceptable standard. All the excused/unexcused absences require appropriate documentation. Chronic occurrences of SKE, SKFM, SKI and SKH will be on record and may be cause for investigation by the Deputy Chief of Human Resources. It is up to employees to properly code type of leave taken on the P-30 Form.

### **6.9.1 Certification of Sick Leave**

Each individual is responsible to provide proper documentation and forwarding this documentation to the AFD fiscal section through the chain of command. All Request for Leave of Absence (P-30) forms will be forwarded to the Fiscal Section through each respective Battalion or Division Commander as per Staffing Management Guidelines, Directive 1, titled “P-30 Submission Processing.”

Employees must provide the fiscal section with a signed P-30 with the Physician Certification section completed, under the following conditions:

- Reporting off for Sick Leave Personal Illness for any sick leave that will place the member over 50% accrual for one year (this includes Sickness in Family).
- Reporting off for Sick Leave Emergency (SKE), FMLA (SKFM), Injury (SKI), Hospitalization, (SKH) and Sick Leave Unpaid, (SKU)
- Reporting off for Sick Leave Personal Illness (SKP) for 3 consecutive shifts or more.

At the direction of the department, the Fire Department may request documentation from employees for absence of less than three (3) shifts based on evaluation of

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individual sick leave records, per union contract provisions and the Personnel Rules & Regulations. Employees found to be in non-compliance with the sick leave usage policy will be placed in a non-pay status for the time period claimed as sick leave and the disciplinary process may be initiated.

Employees claiming sick leave shall cooperate with person(s) designated to make investigations concerning claimed sick leave. Employees who make a false claim for sick leave, refuse to be examined by a doctor selected by the City, fail to cooperate in any investigation by the City of their claim for sick leave, or sign a certificate containing a false statement, shall not be entitled to any leave with pay for the time in dispute. Such actions are considered just cause for disciplinary action up to and including termination.

**Note 1:** Sick leave usage will be calculated on a 12-month rolling calendar year basis beginning on the month this policy is enacted.

**Note 2:** Consideration will be given when circumstances such as serious illness, severe injuries or a disability requiring prolonged periods of sick leave usage, maternity leave, death in the family cause an employee to utilize a high percentage of his/her sick leave accumulation.

When an employee has been identified as having taken excessive sick leave the Department shall notify them. Tele staff has been made available for all personnel. It is required that you keep yourself apprised of your sick leave usage levels. It is a shared responsibility between all members of the Fire Department regardless of their assignment and capacity. The department will enforce the policy in an equitable manner.

All Fire Department employees who have sick leave absences rates falling within these steps shall be subject to the following regulations of the Sick Leave Management Plan.

**Note 3:** Any supervisor that is in the sick leave management plan will be exempt from conducting sick leave counseling sessions with their subordinates. The counseling session will revert to the supervisor's immediate supervisor.

#### **6.9.2 56 Hour Work Week.**

**Step 1:** Increased Utilization Conference 50% to 66%(over 3 shifts up to 4 shifts usage):

Supervisor (if not in sick leave plan)/supervisor's immediate supervisor will hold a conference with the Fire fighter to identify possible issues and or to take corrective measures. The union may be brought in for the conference to facilitate potential outside assistance.

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Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence

**Step 2:** Sick Leave Monitoring Program 67% to 83%(over 4 shifts up to 5 shifts).

The Battalion or Division Commander (if not in the sick leave plan) will conduct the second conference with the Fire fighter. The Union shall be in attendance to assist with an improvement plan. The Deputy Chief of Operations will be notified. Depending on cause of over utilization, documentation of an oral reprimand will be place in the Fire fighters file (This letter may be removed once the Fire fighter is no longer in the sick leave monitoring plan). History of the employee's sick leave utilization and subsequent steps will be kept on file for future reference. The ultimate goal is for all personnel to be within the allowable percentages of Sick Leave Utilization...hence the reason for the Exempt conditions detailed within this document.

#### **6.9.2.1 Fire Fighter Restrictions:**

**Step 1:** Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence. Requests for outside employment may be denied and/or existing P-3 (Request for Permission to Engage in Outside Employment) will be revoked.

**Step 2:** May be ineligible for Modified Light Duty due to an off-the-job injury. Report off to FOC Commander or designated person.

**Step 3:** Uncorrected Sick Leave Management Plan 84% to 100% (over 5 shifts up to 6 shifts):

The Deputy Chief of Operations will hold the third conference with the Fire fighter, Battalion Commander, the immediate supervisor (Officer), and Union representation. The formal disciplinary process may be initiated at this conference.

Fire fighter restrictions are as follows:

- i. May be referred to Employee assistance program
- ii. May be Ineligible for Comp time usage or accrual
- iii. May be ineligible for shift exchanges
- iv. May be ineligible for transfers
- v. May be placed in a leave without pay status for sick leave over utilization
- vi. May be subject to disciplinary action
- vii. May be ineligible for overtime
- viii. May be recommended for complete fitness for duty examination
- ix. May be ineligible for unscheduled vacation requests
- x. May be reassigned and will be ineligible to bid for one year.

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Employees who are sent for a complete physical examination will have the results evaluated by the Employee Health Physician and the Human Resources Deputy Chief. If a medical problem surfaces which may contribute to an employee's absence, the Fire Department will make every effort to aid the employee with his or her identified condition. If the employee is found to be physically fit, the formal disciplinary process may begin.

Any improvement in an employee's sick leave usage should be acknowledged by their Commander and supervisor (if applicable).

### **6.9.3 40 Hour Week**

The acceptable level of sick leave usage for the Albuquerque Fire Department will be 50% of yearly accrual of unexcused sick during a rolling calendar year. Improper use and/or over utilization of sick leave is just cause for disciplinary action. AFSCME, Local # 2962 or Local #244 may meet with the respective Deputy Chiefs or Division Commanders to resolve possible exemption conflicts.

Absences involving Sick Leave Emergency (SKE), Sick Leave FMLA (SKFM), Sick Leave Injury (SKI), Sick Leave Hospitalization (SKH) will continue to be charged to sick leave but will be excused from the acceptable standard. All the excused/unexcused absences require appropriate documentation. Chronic occurrences of SKE, SKFM, SKI and SKH will be on record and may be cause for investigation by the Deputy Chief of Human Resources. It is up to employees to properly code type of leave taken on the P-30 Form.

**Step 1:** Increased Utilization Conference 50% to 63% (48 hours usage up to 60 hours usage):

The immediate supervisor (if not in the sick leave plan) will hold a conference with the Fire fighter/employee to identify possible issues and or to take corrective measures. The respective union may be brought in for the conference to facilitate potential outside assistance.

Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence.

**Step 2:** Sick Leave Monitoring Program 64 % to 83%, (61 hours up to 80 hours)

The Division Commander (if not in the sick leave plan) will conduct the second conference with the Fire Fighter/Employee. The Union and immediate supervisor shall be in attendance to assist with an improvement plan. The Deputy Chief of Human Resources will be apprised of the outcome and action taken.

Possible Fire Fighter/employee restrictions (as per respective union contract):

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- a. Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence.
- b. Requests for outside employment will be denied and/or existing P-3 (Request for Permission to Engage in Outside Employment) will be revoked.
- c. Fire Fighters may be ineligible for Modified Light Duty from an off-the-job injury.
- d. Report off to Division Commander, Manager or designated person.

Employee will be required to have the Physician Certification section of the P-30 completed by a Health Care Provider as defined on this policy.

**Step 3:** Uncorrected Sick Leave Management Plan 84% to 100% (80 hours up to 96 hours):

The Deputy Chief of Human Resources will hold the third conference with the Fire fighter/employee, Division Commander, immediate supervisor (Officer), and the respective Union representation. The disciplinary process may be initiated.

Possible Fire fighter/employee restrictions if applicable:

- a. May be ineligible for Comp time usage or accrual to include flexing schedule.
- b. May be recommended for Employee Assistance Program.
- c. May be ineligible for shift exchanges.
- d. May be ineligible for transfers.
- e. May be placed in a leave without pay status for sick leave over utilization.
- f. Possible disciplinary action (if applicable).
- g. Possible work reassignment if work performance is negatively affecting the Department.
- h. May be required to take a fitness for duty examination

Employees who are sent for a complete fitness for duty examination will have the results evaluated by the Employee Health Physician and the Human Resources Deputy Chief. If a medical problem surfaces which may contribute to an employee's absence, the Fire Department will make every effort to aid the employee with his or her identified condition. If the employee is found to be fit for duty, the formal discipline may be initiated.

#### **6.9.4 42 Hour Week**

The acceptable level of sick leave usage for the Albuquerque Fire Department will be 50 % of yearly accrual of unexcused sick during a rolling calendar year. Improper use and/or over utilization of sick leave is just cause for disciplinary action. Local #244 may meet with the respective Deputy Chiefs or Division Commanders to resolve possible exemption conflicts.

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Absences involving Sick Leave Emergency (SKE), Sick Leave FMLA (SKFM), Sick Leave Injury (SKI), Sick Leave Hospitalization (SKH) will continue to be charged to sick leave but will be excused from the acceptable standard. All the excused/unexcused absences require appropriate documentation. Chronic occurrences of SKE, SKFM, SKI and SKH will be on record and may be cause for investigation by the Deputy Chief of Human Resources. It is up to employees to properly code type of leave taken on the P-30 Form.

**Step 1:** Increased Utilization Conference 50% to 60% (50 hours usage up to 60 hours usage):

The immediate supervisor (if not in the sick leave plan) will hold a conference with the Fire fighter/employee to identify possible issues and or to take corrective measures. The respective union may be brought in for the conference to facilitate potential outside assistance.

Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence

**Step 2:** Sick Leave Monitoring Program 61% to 80%, (61 hours up to 80 hours)

The Division Commander and Captain will conduct the second conference with the Fire fighter. The Union shall be in attendance to assist with an improvement plan. The Deputy Chief of Human Resources will be appraised of the findings and actions taken.

Possible Fire Fighter restrictions:

- Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence.
- Requests for outside employment will be denied and/or existing P-30 (Request for Permission to Engage in Outside Employment) will be revoked.
- May be ineligible for Modified Light Duty from an off-the-job injury.
- Report off to FOC Commander or designated person.

**Step 3:** Uncorrected Sick Leave Management Plan 81 to 100% (80 hours up to 100 hours):

The Deputy Chief of Human Resources will hold the third conference with the Fire Fighter, Division Commander, Captain, immediate supervisor (Officer), and Union representation. The disciplinary process may begin.

Possible Fire Fighter restrictions:

- May be ineligible for Comp time usage or accrual to include flexing their schedule.
- May be recommended for Employee Assistance Program.



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- c. May be ineligible for shift exchanges.
- d. May be ineligible for transfers.
- e. May be placed in a leave without pay status for sick leave over utilization.
- f. Possible disciplinary action.
- g. May be ineligible for overtime.
- h. May be recommended for complete fitness for duty examination.
- i. May be ineligible for unscheduled vacation requests.

Employees who are sent for a complete physical examination will have the results evaluated by the Employee Health Physician and the Human Resources Deputy Chief. If a medical problem surfaces which may contribute to an employee's absence, the Fire Department will make every effort to aid the employee with his or her identified condition. If the employee is found to be fit for duty, the formal disciplinary process may be initiated.

#### **6.10 INJURY ON THE JOB (ALL AFD PERSONNEL):**

- A.** Employee is injured or has suffered an occupational disease in the performance of their duties.

**Step 1:** Employees are to report all on-the-job injuries to their supervisors immediately after the occurrence.

**Step 2:** The supervisor shall report all injuries utilizing the "Supervisor's Injury Investigations Report".

**Step 3:** Employee shall report to City Employee Health Center, Room B06 with the above paper work, Monday through Friday from 7:00 a.m. and 5:00 p.m. (except Holiday's and or after hours).

**Step 4:** If the Fire Fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

**Step 5:** If required, the Fire Fighter will fill out the "Notice of Accident" form (pursuant to chapter 52 NMSA 1978 section 52-1 29) to receive Workmen's Compensation. Employee Health usually provides this form.

- B.** Injuries occurring after hours/or on holidays (for the hours between 5:00 pm and 7:00 am, Holidays and weekends)

**Step 1:** For injuries occurring after hours or during holidays, the employee shall report to the contract hospital Emergency Room

**Step 2:** If emergency medical treatment is required, report to the contract hospital. Then the employee should report to the City Employee Health Center the following workday.

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**Step 3:** If the Fire Fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

**Note:** Employee may not return to work without clearing through the Employee Health Center.

**C. If exposed or possibly exposed to airborne or blood pathogens while on duty.**

**Step 1:** Report the exposure to immediate supervisor, QI Officer or Designated Safety Officer. Refer to Fire Ground Operating Guidelines (exposure control plan 410.01).

**Step 2:** If the Fire Fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

## **6.11 LIGHT DUTY**

**Step 1:** Employees who are released for Light Duty shall report to Fire Headquarters immediately after being released or if after normal working hours, on the next business day at 8:00 a.m.

### **6.11.1 Fiscal Section**

**Step 2:** Notify the FOC so they may be properly coded and placed on a new work schedule.

**Step 3:** The Fire Timekeeper will enter the days and/or hours and initial the P-30.

**Step 4:** A Deputy Chief or Fiscal Manager will sign the P-30.

**Step 5:** The Timekeeper will ensure the P-30 is hand carried to the Risk Management Division and City payroll before 12:00 noon on Tuesday of the pay week.

## **6.12 ADMINISTRATIVE LEAVE**

Chief Administrative Officer (CAO) approval must be obtained prior to placing an employee on administrative leave.

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#### **6.12.1 Loaned Executive Request:**

- A.** Administrative leave with pay may be authorized for a loaned executive.

**Step 1:** A written request for a loaned executive must be submitted to the Chief Administrative Officer, which includes the period of time, direct benefit to the City, and the specialty or expertise requested.

The City will negotiate the terms and conditions of the loaned executive including salaries, benefits and operating expenses.

Requests for a loaned executive will be for a period not to exceed six (6) months, however, the Chief Administrative Officer may extend the term under exceptional circumstances.

The loaned executive will prepare and submit a report of accomplishment to the Chief Administrative Officer and department director upon completion of the assignment.

- B.** Administrative leave with pay may be authorized by the Chief Administrative Officer for services or activities of employees outside the scope of their employment, which can reasonably be anticipated, directly or indirectly, to benefit the City. Such leave will not exceed eighty (80) hours.

- C. An employee may be placed in administrative leave status during the period of an investigation.**

Such leave may be given with or without pay for good and sufficient reason that the Chief Administrative Officer considers to be in the best interest of the City service.

Administrative leave during an investigation shall be limited to thirty (30) workdays. Administrative leave in excess of fifteen (15) workdays shall require approval by a committee composed of the Director of the Human Resources Department, the Director of the Office of Employee Relations and the City Attorney or their designees. During this period of time, the Chief Administrative Officer may assign the employee duties and responsibilities that are of benefit to the City.

#### **6.13 LWOP FOR MORE THAN 2 WEEKS TO 1 YEAR**

Permanent employees may be granted leave without pay under certain conditions. Employees may be granted leave without pay for a period not to exceed one (1) year due to sickness or disability when certified by a qualified doctor or medicine, osteopathy or podiatry, or to run for non-city public office or for additional vacation

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time or for good and sufficient reason which the Mayor or designee considers to be in the best interests of the City.

**Step 1:** Submit your request to the Mayor via the Fire Chief to be approved/disapproved.

**Note:** Employees do not accrue sick leave or vacation leave, or any other benefits while on leave without pay. Employees must pay contributory benefits directly when on a non-pay status. Employees may not withdraw PERA contributions when on leave without pay status.

#### **6.14 LWOP 2 WEEKS OR LESS**

**Step 1:** Submit your request to the Fire Chief to be approved/disapproved.

**Step 2:** The Fire Chief will notify the requestor if their request is approved/disapproved.

**Note:** Employees may not be granted leave without pay as an extension of physical layoff. Except under unusual circumstances, voluntary separation to accept employment outside the City service shall be considered by the Mayor or designee as insufficient reason for granting a leave of absence without pay.

#### **References:**

*Personnel Rules & Regulations, 402.3, Leave Without Pay*

*Merit System Ordinance, Section 2-1-18, Leave Without Pay*

*IAFF Local 244 Contract, Article 18, Leave Without Pay*

*AFSCME Local 624 Contract, Section 26, Leave Without Pay*

*AFSCME Local 2962 Contract, Section 27, Leave Without Pay*

#### **6.15 ON DUTY, JURY DUTY AND SUBPOENAS**

**Step 1:** Notify your supervisor and the FOC once you have been subpoenaed or selected for Jury Duty.

**Step 2:** Employees shall forward a copy of the summons to Fire Headquarters and the FOC as soon as possible after being served.

**Step 3:** The FOC will adjust the employee's work schedule accordingly, to accommodate a Fire Fighter on jury duty.

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**Note:** Employees who are called to serve on jury duty during normal work hours shall be paid at the regular pay for the time served as a juror.

Employees shall reimburse the City for all compensations received for such service performed during normal work hours.

#### **6.15.1 Subpoena Of Personnel On Behalf Of The City**

- A.** Employees appearing in court on behalf of the City or at the request of the District Attorney on issues arising as a direct result of actions taken while in the performance of their duties, will do so on pay status.

**Note:** When the subpoena is served on behalf of the City, District Attorney, the State of New Mexico or any of its agencies, no witness fee need be tendered.

- B.** Employees appearing in court as witnesses for a private citizen and/or organization must not accept the subpoena without being given a check for their appearance.
- a. It is imperative that a witness fee check be attached at the time of service of the subpoena.
  - b. Demand must be made for such check when the subpoena is served or the right to the check is waived.
  - c. The check should be in the amount provided by statute for witness fees. This amount is presently \$75.00 per day in state courts as set forth in Section 10-8-4 and Section 38-6-4 NMSA. 1978, and \$40.00 per day in federal courts as set forth in 28 USC Section 1821.
  - d. The witness fee should include mileage fees for testimony in courts not located in Albuquerque. The mileage fee is \$.25 per mile for state and federal courts. (Witness fees are subject to change by the Legislature.)

#### **6.15.2 When a Fire Fighter is Subpoenaed**

**Step 1:** Contact your supervisor and the FOC once you are subpoenaed.

**Step 2:** If the substance of the testimony concerns the employee's functions as an employee of the City, the employee shall return the check to his/her department director and utilize City time for such testimony.

**Step 3:** The FOC will schedule the Fire Fighters to be off.

**Note 1:** If such testimony is required on a day the employee would not otherwise be expected to work for the City, such check may be retained by the employee with no further reimbursement due from the City, (i.e., no overtime to be charged, etc.).

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**Note: 2:** If the hearing is cancelled and the employee subsequently is required to appear on duty time, the employee will be required to take vacation time or return the amount of the check to the City.

### **6.15.3 Depositions/Interrogatories**

**Step 1:** Fighters will contact City Legal at 768-4697 and the Deputy Fire Chief to advise them of the deposition. City Legal will determine if they need to be present.

- A.** When a subpoena is served for depositions or interrogatories on behalf of the City, District Attorney, the State of New Mexico or any of its agencies, no witness fee need be tendered.
- B.** Employees who receive subpoenas for depositions or interrogatories on behalf of private citizens and/or organizations shall not accept the subpoena, unless the witness fee check is attached at the time of service of the subpoena.

**Step 2:** If the deposition/interrogatory is scheduled on a workday the Fire Fighter will notify the FOC so a replacement can be found. The witness fee will be turned over to the City via the AFD Fiscal Manager.

**Note:** The guidelines for disposition of payment and utilization of City time for such testimony shall be the same as for employees appearing in court as witnesses.

### **6.15.4 Metropolitan Court**

- A.** “Notice of Hearing: is used to notify Fire Department personnel to appear at the Metropolitan Court as a result of the issuance of citations.
- B.** A supervisor or Field Commander may accept the “Notice of Hearing” and hand carry it to the appropriate person named on the notice.
- C.** This notice does not require a witness fee.

#### **6.15.4.1 Reporting for Duty Upon Completion of Testimony:**

The guidelines established for reporting the duty upon completion of jury duty shall be the same for employees summoned by subpoena.

### **6.15.5 Federal Court:**

Rule 4 of the Federal Rules of Civil Procedure was amended February 1983 to provide for service by mail of summonses and complaints filed in the Federal Court.

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**Step 1:** Included with the summons and complaint is an acknowledgement for service by mail, which must be signed by the party served and returned to the person indicated immediately. If this acknowledgment is not returned within twenty (20) days of receipt, the City may be liable for costs of serving the summons and complaint.

**Step 2:** Any lawsuit received shall be forwarded to a Deputy Chief and the Litigation Division of the Legal Department immediately. In Federal suits, there are only twenty (20) days to file an answer; therefore, time is of the essence. Contact the City Attorney's office if you have any questions.

*References: CAO'S Policy and Procedure Manual; Section 2-4-2 (c).*

## **7 ACCEPTANCE OF SERVICE**

### **7.1 CIVIL CASES**

Only the employee named on the subpoena in a civil case will accept service of the subpoena.

Civil case subpoenas will not be accepted by an employee unless the \$75.00 state fee or \$40.00 federal fee is attached and is made out to the employee as provide by state law pending claim or suit.

**Step 1:** If the case will be heard on a workday, notify the FOC so that a replacement can be found. The witness fee must be turned over to the City via the *AFD* Fiscal Manager.

#### **7.1.1 Civil Cases Involving the Employee, Department or City.**

**Step 1:** If the civil case is one which involves the pending claim or suit against the employee, department, or City, or if the employee believes there may be potential liability, the employee shall notify the Litigation Division of the Legal Department and an AFD Deputy Chief within twenty four (24) hours.

**Step 2:** The Deputy Chief will notify the Fire Chief.

*References: CAO's Policy & Procedure Manual; Section 2-4-2 (C)*

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## **7.2 CITY BUSINESS – WORK OFF-SITE, (WOS)**

**City Business** is defined as: Travel outside the municipal area for the purpose of: training, (other than scheduled/Fire Academy training), Union Business, and miscellaneous business as determined by the Fire Chief. WOS designation used for accountability of time while on duty or as a representative of the Albuquerque Fire Department.

## **7.3 PROCEDURES FOR IN-STATE OR OUT-OF-STATE CITY BUSINESS:**

- Step 1:** Prepare the request for City Business Form and obtain the Program Manager's approval. City employees will attached a signed P-30 for City Business for Fire Chief's approval/disapproval.
- Step 2:** The approved/disapproved request for City Business Form and P-30 (if applicable) for City Business will be forwarded by the Program Manager to the Training and Safety Program Manager for review.
- Step 3:** The Training Program Manager will forward the request and P-30 with leave hours completed (if applicable) for City Business to the Fire Chief, with a recommendation based on staffing, scheduling and department needs.
- Step 4:** When the request and P-30 are signed and approved/disapproved (if applicable) by the Fire Chief the Original will be forwarded to the Travel Coordinator in the Fiscal Division.
- Step 5:** The Travel Coordinator will notify the Program Manager that the request for City Business was approved or disapproved. The approved request will be processed and the Travel Coordinator will notify the employee. The disapproved requests will be returned to the Program Manager who will notify the employee.
- Step 6:** The Travel Coordinator will call to make reservations for a hotel room and obtain a confirmation number and provide a map to the hotel. The Fiscal Manager will call to confirm the hotel location and confirmation number.
- Step 7** The Travel Coordinator will prepare the Travel Authorization Form for the travel arrangements. The Form will then be forwarded to the City Accounting Department. The Travel Coordinator will notify the employee when and where to pick up the airline tickets or gas card.

### **7.3.1 Travel Advance:**

The City Business Form must reach the Travel Coordinator's office three (3) weeks prior to any travel. Allow the appropriate time for Step 1-4 to be completed prior to



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the three (3) week deadline. Only 75 percent of the hotel and per diem cost is paid in advance and is mailed to the employee's home address. Each employee receiving an advance is personally obligated to reimburse the City for any unspent advanced funds.

#### **7.3.1.1 Reimbursement Due to the City:**

Submit all the travel receipts to the Coordinator within two (2) weeks of completing travel. If not, the full amount of the advance and a \$15.00 penalty will be deducted from the employee's next payroll check.

#### **7.3.1.2 Reimbursement Due To The Employee:**

Submit all receipts within two (2) weeks of completing the travel to the Travel Coordinator. The Coordinator will submit the original travel reimbursement form and receipts to the City Accounting Division for reimbursement.

Overtime will not be paid for training or the City Business that necessitates the travel in or out of state. Prior to city Business the time will be worked out on a shift-for-shift basis. Example: City Business is to be conducted Monday through Friday and requires one full day of travel on Sunday. This equals six (6) total shifts. The member is on – A– Shift and is scheduled to work on Monday and Tuesday. This equals four (4) shifts. The difference is two (2) shifts owed the member; these shifts will be scheduled off immediately prior to or immediately after the City Business.

#### **7.3.1.3 Hotel Rooms**

The employee will need to guarantee the room accommodations with their own Credit Card. It is important the employee set up the arrival and departure dates to insure the availability of the hotel. The City will not allow the use of the Diners Credit Card for hotel guarantees.

#### **7.3.1.4 Long Distance Calls**

Employee's may call a family member or loved one while traveling on City Business. Personal calls will limit to one (1) call per day. Calls shall be limited. The actual cost not to exceed \$10.00 per call per day. Business calls for local or long distance required to conduct official City Business are allowable. All business calls will be reimbursed based on the hotel or personnel phone bill receipt. A notation must be made by the traveler, on the receipt, indicating who was called and why this was for official city business.

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#### **7.3.1.5 Mileage Reimbursement**

Mileage will be reimbursed for in state or out-of-state travel at .3254 per mile. Mileage is determined by an Official State road map. Mileage will be paid not to exceed the amount of a round trip airfare.

#### **7.3.1.6 Trip Cancellation**

The Fire Department employee will be responsible for any penalties or service fees charged, due to a trip cancellation made by the employee. Please make arrangements accordingly.

#### **7.3.1.7 National Fire Academy**

Pursuant to current policy regarding stipend contracts in conjunction with the National Fire Academy, travel request will be treated as follows:

- A. Meals expenditures for attendees will continue to be absorbed by the Albuquerque Fire Department.
- B. Airline fares will be paid for initially by the Albuquerque Fire Department.
- C. All reimbursement checks made to the employees by the National Fire Academy will to be turned in to the Albuquerque Fire Department Fiscal Division immediately upon receipt.

#### **CHIEF ADMINISTRATIVE OFFICER PRIOR APPROVAL IS REQUIRED FOR:**

- A. Three (3) or more employees on in-state or out-of-state travel.
- B. Out-of-United States travel.
- C. Out-of-State travel with a City vehicle.

**CITY BUSINESS QUESTIONS:** Contact the *AFD Travel Coordinator or the Training and Safety Program Manager*.

### **8 SCHEDULED VACATION (VCFM)**

- A. The following rules and regulations shall apply to vacation:

Vacation schedules shall be governed by **seniority** in grade for Drivers, Lieutenants, Captains and Commanders. Time on the department for Fire Fighters. **The bidding will be city wide on shift (16 slots total for the field).**

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Field Quotas: (in any combination - up to four [4] Paramedics can be off, the QIOs do not count against the Paramedic restriction)

Commanders	1
Captains	1
Lieutenants	3
Drivers	4
FF	7

**The first vacation period will run from April 1, of current year, through March 31, of following year (“first bid”).** All requests for the first vacation period bidding will be turned in to each respective Battalion Commander by March 15 and awarded by March 31. All four (4) Battalion Commanders will collectively organize and conduct vacation bids for the city. A second round of bidding will be held for the unused vacation slots (“second bid”). The second bid paperwork must be turned in by April 15 and will be awarded by April 30.

Division Commanders will be responsible to organize and conduct vacation allotments for their respective division. Vacation requests will be prepared on the official AFD Vacation Request Form that is currently in use. The FOC shall enter the vacation bid results into TeleStaff by March 31 (“first bid”). The second round bid awards for the spring and fall periods will be entered into TeleStaff by April 30.

A copy of the first bid vacation awards will be forwarded to the four (4) battalions by April 1 so that personnel may see what is available for the second round bidding.

## **8.1 VACATION PROCEDURE**

**Step 1:** Starting with the officers all ranks first Vacation Request; first choice will be approved or denied following the quota by rank.

**Step 2:** After all first vacation requests first choice have been approved or denied, any unfilled vacation slots may be filled by rank and seniority regardless of the quota (exception: the Rescue quota of four (4) will remain in effect).

**Step 3:** The second choice will only be processed if first choice was denied.

**Step 4:** Follow the same procedure outlined in Step 1, 2, and 3 for all vacation requests.

Officers, Drivers and Fire Fighters may schedule up to five (5) total scheduled vacation periods between the “first” and the “second” bids. A vacation period will consist of at least one (1) working shift (24 Hour).

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**Note:** Emergency vacation may only be granted by the Deputy Chief of Operations. In cases where the Chief of Operations cannot be contacted the FOC Commander may grant the vacation.

## **8.2 SCHEDULED VACATION QUOTAS FOR:**

### **8.2.1 Fire Prevention Bureau:**

The Fire Prevention Bureau may schedule up to three (3) members, regardless of rank, for vacation.

### **8.2.2 The Alarm Dispatch Section:**

The Fire Communications Division may schedule one (1) member, regardless of rank, to go on vacation.

### **8.2.3 The Training Division**

The Training Division may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

### **8.2.4 The Arson Section:**

The Arson section may allow one (1) person on scheduled vacation.

### **8.2.5 Fire Department Headquarters:**

The Fire Chief may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

### **8.2.6 Technical Services**

The Technical Services Division Commander may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

## **8.3 SCHEDULED ALARM ROOM VACATION LEAVE**

### **8.3.1 Fire Alarm Division:**

*Schedule one (1) Fire Fighter per shift, regardless of rank* to go on vacation at one time, but not from the same shift.

Vacation requests for scheduled vacation shall be submitted to the Alarm Room Division Commander to allow for time periods requested as long as they do not fall on scheduled training dates either at the Fire Academy or

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the Alarm Room unless prior arrangements have been made to attend the scheduled training.

#### **8.4 EMERGENCY VACATION (EV):**

An emergency is defined as “unforeseeable circumstances beyond the control of the Fire Fighter; a pressing need that demands his/her absence away from his/her place of employment; and when time does not allow or it is not practical for the Fire Fighter to trade time with another Fire Fighter in order to be off duty. Overtime may be granted to allow a member to go on EV,

**Step 1:** The Fire Fighter will contact the FOC to request EV. Any time EV is requested, the Deputy Chief of Operations will be notified. The Deputy Chief of Operations may require proof that the emergency exists.

#### **8.5 VACATION CHANGES:**

Vacations once assigned will not be changed without the approval of both the Fire Fighter and the FOC Captain.

The FOC will enter the awarded scheduled vacation into the calendars of all members assigned to the respective shifts and or divisions.

##### **8.5.1 Trading Scheduled Vacation:**

Fire Fighters may trade scheduled vacation with other qualified Fire Fighters on a one for one basis. *A written request must be sent to the FOC Captain for approval.*

##### **8.5.2 Canceling Scheduled Vacation**

Fire Fighters may cancel vacation if done *twenty-four (24) hours prior to the start of the shift. The advanced canceling may be done in twenty-four (24)-hours, fourteen (14)-hours, or ten (10)-hour segments.*

##### **8.5.3 Unscheduled Vacation:**

Shall be granted on a “first come – first served” basis, regardless of rank and will be granted in twenty-four (24)-hour day, fourteen (14) hour night, or ten (10)-hour increments. Overtime will not be allowed for the purpose of granting a member unscheduled vacation above the sixteen (16) approved.

Commanders, Captains, Lieutenants, Drivers and Fire Fighters that are not on sick leave restriction have the option of using vacation slots that are left unused or canceled as unscheduled vacation. The EMT-P maximum of 4 of the 16 vacation slots maybe exceeded if on duty paramedic staffing permits. These slots will be awarded on a first come first basis.

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**Note:** Fire Fighters will only be allowed one request on the books at one time. The limit will be forty-eight (48) continuous hours (one cycle). The FOC may grant the vacation as soon as its requested if the slots are open. Unscheduled vacation requests may not be submitted more than ninety (90) days in advance.

**Step 1:** Fire Fighters wishing to request Unscheduled Vacation will contact the FOC to ascertain availability.

**Step 2:** The FOC will grant the Unscheduled Vacation if criteria are met.

**Note:** If all sixteen (16) slots are taken and the staffing is still above minimum additional vacation may be granted up to minimum staffing. These additional slots will not be granted earlier than two (2) hours prior to shift start.

## **8.6 SHORT TERM PERSONAL TIME OFF (STPTO)**

Eligible Fire Fighters (not on sick leave restriction) may be allowed twelve (12) hours per year of personal time. The year is defined as January 1 to December 31. No short-term personal time off will be granted on paid holidays. There is no borrowing from the next year and there is no carry over. Short-term personal time off will be granted up to the point when no replacement can be found. This will be chargeable to vacation. NO EXCEPTIONS. No short-term personal time off will be granted between the hours of 2200-0600, unless approved by the Deputy Chief of Operations.

**Step 1:** Fire Fighters that are requesting a portion of their twelve (12) hours will contact the FOC at least two (2)-hours in advance. This will allow for filling the vacancy ahead of time and possibly lessening the chance of holding over. If the portion of the shift is in the middle of the cycle and no relief (overtime or floater) can be found the unit will be kept in service and the request will be denied.

**Step 2:** Fire Fighters can consider the request approved when the FOC notifies them that a replacement has been found.

**Note:** Fire Fighters are responsible for ensuring that they do not exceed the allotted amount of Short Term Personal Time Off.

## **8.7 MARRIAGE LEAVE**

Emergency unscheduled vacation shall be granted for up to two (2) shifts if the employee is getting married. One (1) shift shall be granted for marriages in the employee's immediate family, which, will be defined as children/step children. This vacation will count against the quota of sixteen (16) grantable vacation slots.

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## **8.8 MILITARY LEAVE**

Will be authorized for permanent employees who are members of any organized reserve unit of the armed forces of the United States. The maximum allowable time will be 204 hours per year. Any requests for additional Military time will be directed to the Fire Chief via the Operations Deputy Chief for LWOP or vacation (no sick leave).

**Step 1:** Fire Fighters reporting off to fulfill Military obligations will fax or deliver a copy of the orders to the FOC as soon as practical. No leave will be granted with out orders (prior to the leave). Military orders must have the employee's name, date and time frame noted on the official orders for leave to be approved. Hand writing name onto a general office memo does not meet the above criteria.

### **8.8.1 Additional Military Leave Needed**

**Step 1:** Submit a request to the Fire Chief via the Operations Deputy Chief in writing no later than two (2) weeks prior to the requested leave date. The Fire Chief or Operations Deputy Chief will respond to the Fire Fighter in a timely manner and notify the FOC.

## **8.9 UNION NEGOTIATION LEAVE**

The Executive Board, in writing to the Fire Chief, will designate four (4) bargaining unit members. These members will have their schedules temporarily changed to meet the schedule for negotiations. If there are short-term meetings they will be place on City Business (WOS) for the meeting and the vacancy will be filled appropriately. The Fire Chief must approve this type of leave prior to it being granted.

## **9 SHIFT EXCHANGE**

**Trade Time off (TTO), and Trade Time Work (TTW) remains between individual Fire Fighters.**

An employee off on leave that requires clearance to report back to work is unable to have another employee work a trade for them while on said leave (i.e., Administrative leave, injury on the job, personal leave without pay).

**Step 1:** The Fire Fighter that will be off first will enter the trade into Telestaff. The Fire Fighter will specify the replacement in Telestaff and ensure that the replacement is displayed on their individual history reports. If it is not, contact the FOC for troubleshooting.

**Step 2:** There is NO approval required. Fire Fighters that enter erroneous trades into Telestaff may be subject to discipline.

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## **9.1 NO PRIOR APPROVED AGREEMENT**

**Step 1:** If the staffing management system is calling for service to remind a Fire Fighter of a trade and there was no prior agreement between the two Fire Fighters the Fire Fighter disputing the trade will notify the FOC at once.

**Step 2:** If no resolution is reached prior to the shift the Department will cover the shift.

**Note:** An investigation will be conducted to determine which Fire Fighter will incur liability for the shift.

The Department will incur no cost for missed shift exchanges (trades). If the shift exchanged is missed:

**Step 1:** The Station where the missed trade is at, is encouraged to make every attempt to locate the person that has not showed up or make other arrangements prior to notifying the FOC.

**If there is not enough reserve staffing to cover the missing trade:** The FOC will holdover the Fire Fighter that is currently filling the position in question until properly relieved. Once the Fire Fighter is declared AWOL (2 hours late), overtime will be called for the remainder of the shift. The Fire Fighter that missed the trade will now be charged with AWOL and may be subject to discipline and investigation will be conducted.

**If there was enough reserve staffing to absorb the missing trade:** Without causing overtime the Fire Fighter will owe the Department a shift at the Department's convenience. If an overtime shift was caused due to the missed trade, the Fire Fighter will be docked at time and one half from their next check.

**Note:** Members unable to fulfill trade of shift requirements due to hospitalization of the member, or member's spouse and or children shall not be docked pay but will be charged sick leave or vacation. **Proper documentation will be required.**

## **10 BID FOR POSITION POLICY**

This policy will be adhered to when assigning positions through bid award, promotion, retirements, and/or forcible displacement. Bid awards are for one (1) year and six (6) months. Floaters, reserve floaters and forced movements may bid without the eighteen (18) month encumbrance.



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## **10.1 BID PROCESS**

The bid award system will be used to assign personnel using seniority and in special cases, specialty, and/or training. Vacancies will be created through retirements, promotions and movement due to the bid system. Once a vacancy occurs the bid process will begin. The open bid period will be for at least ten (10) days (may be longer if holidays or other issues justify the longer time period).

- Step 1:** The vacancies will be posted on a memo. The memo will ask that Fire Fighters state their intention to bid. This will be a short form (attachment #1). The memo will give a deadline to submit a time stamped Bid Intention form at Fire Department Headquarters. No station requests will be considered at this time.
- Step 2:** Once the deadline passes, a memo will be put out identifying Fire Fighters that have stated their intention to bid. Now the actual vacant positions will be put out to bid. Only Fire Fighters that have stated their intentions to bid will be considered for bid awards.
- Step 3:** Fire Fighters wishing to bid on a position will fill out the correct bid form. This includes notifying the member's immediate supervisor, and getting their Battalion Commanders signature. Fire Fighters should review the "intention to bid memo" to speculate on possible vacancies.

**Note:** Any incomplete forms will not be considered.

- Step 4:** Bids must be taken to Fire Department Headquarters and time stamped at the front desk. Fire Fighters will be given a receipt for this request. One copy of the receipt will be given to the Fire Fighter and one will be stapled to the bid form. Protests involving lost bid forms may be cleared up with the Fire Fighters ability to produce the receipt.
- Step 5:** A member of Local #244 executive board along with Fire Department Administration will sort the bid forms by rank and seniority.
- Step 6:** A member of Local #244 executive board along with Fire Department Administration will then make the awards. A Fire Fighters first and second choice will be considered prior to moving to the next bid form. Fire Fighters that did not receive their first or second bids will have their bid form placed in the new seniority order for third choice considerations. Every effort will be made to accommodate the requests.

**Note:** All Fire Fighters that are awarded a bid are ineligible to bid for eighteen (18) months.

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## **11 POSITIONS AWARDED THROUGH PROMOTION**

**Step 1:** After the vacancies have been out to bid and the new vacancies are identified they will be offered in promotional list order to the newly promoted. This may cause a forced promotion into a division. If a promotion is refused the Fire Fighter will notify the Director of Human Resources in writing and their name will be removed from the list. The commitment incurred for this promotion is one (1) year and six (6) months after attaining the Division certification. Both Fire Department Administration and a Local #244 Executive board representative must agree upon any deviations from this requirement.

**Note 1:** Fire Fighters that are promoted into the field will remain on the unit they are promoted to for one (1) year and six (6) months before becoming eligible to bid. If they are promoted into a floating position they may bid with no time requirement.

**Note 2:** Positions may have already been out to bid and will be promoted directly into.

## **12 FORCED DISPLACEMENT**

When a Fire Fighter is displaced due to unforeseen circumstances they will be offered any vacancy that exists at the time of the displacement. This will not count as a bid so the Fire Fighter may bid with no encumbrances.

## **13 REQUIRED CERTIFICATIONS**

ACADEMY SUPPRESSION INSTRUCTOR

**FIRE INSTRUCTOR ONE (IFSAC) ALL INSTRUCTORS**

EMS INSTRUCTORS

**EMT INSTRUCTOR/COORDINATOR (EMSA)**

**ACLS or PALS INSTRUCTOR (AHA) or EQUIVELANT**

FIRE MARSHAL'S OFFICE

**INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS FOR  
FIRE INSPECTOR**

ARSON

**NEW MEXICO LAW ENFORCEMENT ACADEMY**

ALARM ROOM

**EMERGENCY MEDICAL DISPATCHER**

TECHNICAL SERVICES

**A PLUS CERTIFICATION**

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**INTENTION TO BID FORM**  
(Eligibility is eighteen (18) months at current assignment)

To be filled out by the Fire Fighter:

Name \_\_\_\_\_ Rank \_\_\_\_\_ FDID \_\_\_\_\_

Current Assignment:      Station: \_\_\_\_\_ Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

**To be filled out by the Battalion Commander:**

Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

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**BID FOR VACANCY FORM**  
(Eligibility is eighteen (18) months at current assignment)

Name \_\_\_\_\_ Rank \_\_\_\_\_ FDID \_\_\_\_\_

Promotional Date: \_\_\_\_\_ Certified Specialties \_\_\_\_\_

Current Assignment: Station: \_\_\_\_\_ Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

Time @ Current Assignment \_\_\_\_\_

**Note: First and Second Choices will be considered prior to going on to next senior Fire Fighter’s bid request.**

First Choice: Station: \_\_\_\_\_ Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

Second Choice: Station: \_\_\_\_\_ Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

**Note: Third choices will be awarded in seniority order. Only one choice is allowed.**

Third Choice: Station: \_\_\_\_\_ Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

Comments/Explanations of awards: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Fire Department Management

\_\_\_\_\_  
Local #244